

SECOND REGULAR SESSION

SENATE BILL NO. 855

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time January 6, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5553S.01I

AN ACT

To repeal section 173.234, RSMo, and to enact in lieu thereof one new section relating to higher education financial aid for families of military members, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 173.234, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 173.234, to read as follows:

173.234. 1. As used in this section, unless the context clearly requires
2 otherwise, the following terms mean:

3 (1) "Board", the coordinating board for higher education;

4 (2) "Books", any books required for any course for which tuition was paid
5 by a grant awarded under this section;

6 (3) "Eligible student", the natural, adopted, or stepchild of a qualifying
7 military member, who is less than twenty-five years of age and who was a
8 dependent of a qualifying military member at the time of death or injury, or the
9 spouse of a qualifying military member which was the spouse of a veteran at the
10 time of death or injury;

11 (4) "Grant", the veteran's survivors grant as established in this section;

12 (5) "Institution of postsecondary education", any approved Missouri public
13 institution of postsecondary education, as defined in subdivision (3) of section
14 173.1102;

15 (6) "Qualifying military member", any member of the military of the
16 United States, whether active duty, reserve, or National Guard, who served in the
17 military after September 11, 2001, during time of war and for whom the following
18 criteria apply:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 (a) A veteran was a Missouri resident when first entering the military
20 service or at the time of death or injury;

21 (b) A veteran died or was injured as a result of combat action or a
22 veteran's death or injury was certified by the Department of Veterans' Affairs
23 medical authority to be attributable to an illness or accident that occurred while
24 serving in combat, or became eighty percent disabled as a result of injuries or
25 accidents sustained in combat action after September 11, 2001; and

26 (c) "Combat veteran", a Missouri resident who is discharged for active
27 duty service having served since September 11, 2001, and received a DD214 in
28 a geographic area entitled to receive combat pay tax exclusion exemption,
29 hazardous duty pay, or imminent danger pay, or hostile fire pay;

30 (7) "Survivor", an eligible student of a qualifying military member;

31 (8) "Tuition", any tuition or incidental fee, or both, charged by an
32 institution of postsecondary education for attendance at the institution by a
33 student as a resident of this state. The tuition grant shall not exceed the amount
34 of tuition charged a Missouri resident at the University of Missouri-Columbia for
35 attendance.

36 2. Within the limits of the amounts appropriated therefor, the
37 coordinating board for higher education shall award annually up to twenty-five
38 grants to survivors of qualifying military members to attend institutions of
39 postsecondary education in this state, which shall continue to be awarded
40 annually to eligible recipients as long as the recipient achieves and maintains a
41 cumulative grade point average of at least two and one-half on a four-point scale,
42 or its equivalent. If the waiting list of eligible survivors exceeds fifty, the
43 coordinating board may petition the general assembly to expand the quota. If the
44 quota is not expanded, then the eligibility of survivors on the waiting list shall
45 be extended.

46 3. A survivor may receive a grant under this section only so long as the
47 survivor is enrolled in a program leading to a certificate, or an associate or
48 baccalaureate degree. In no event shall a survivor receive a grant beyond the
49 completion of the first baccalaureate degree, regardless of age.

50 4. The coordinating board for higher education shall:

51 (1) Promulgate all necessary rules and regulations for the implementation
52 of this section; and

53 (2) Provide the forms and determine the procedures necessary for a
54 survivor to apply for and receive a grant under this section.

55 5. Any rule or portion of a rule, as that term is defined in section 536.010,
56 that is created under the authority delegated in this section shall become effective
57 only if it complies with and is subject to all of the provisions of chapter 536 and,
58 if applicable, section 536.028. This section and chapter 536 are nonseverable and
59 if any of the powers vested with the general assembly pursuant to chapter 536 to
60 review, to delay the effective date, or to disapprove and annul a rule are
61 subsequently held unconstitutional, then the grant of rulemaking authority and
62 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

63 6. In order to be eligible to receive a grant under this section, a survivor
64 shall be certified as eligible by the Missouri veterans' commission.

65 7. A survivor who is enrolled or has been accepted for enrollment as an
66 undergraduate postsecondary student at an approved institution of postsecondary
67 education, and who is selected to receive a grant under this section, shall receive
68 the following:

69 (1) An amount not to exceed the actual tuition charged at the approved
70 institution of postsecondary education where the survivor is enrolled or accepted
71 for enrollment;

72 (2) An allowance of up to two thousand dollars per semester for room and
73 board; and

74 (3) The actual cost of books, up to a maximum of five hundred dollars per
75 semester.

76 8. A survivor who is a recipient of a grant may transfer from one approved
77 public institution of postsecondary education to another without losing his or her
78 entitlement under this section. The board shall make necessary adjustments in
79 the amount of the grant. If a grant recipient at any time withdraws from the
80 institution of postsecondary education so that under the rules and regulations of
81 that institution he or she is entitled to a refund of any tuition, fees, room and
82 board, books, or other charges, the institution shall pay the portion of the refund
83 to which he or she is entitled attributable to the grant for that semester or
84 similar grading period to the board.

85 9. If a survivor is granted financial assistance under any other student
86 aid program, public or private, the full amount of such aid shall be reported to
87 the board by the institution and the eligible survivor.

88 10. Nothing in this section shall be construed as a promise or guarantee
89 that a person will be admitted to an institution of postsecondary education or to
90 a particular institution of postsecondary education, will be allowed to continue to

91 attend an institution of postsecondary education after having been admitted, or
92 will be graduated from an institution of postsecondary education.

93 11. The benefits conferred by this section shall be available to any
94 academically eligible student of a qualifying military member. Surviving children
95 who are eligible shall be permitted to apply for full benefits conferred by this
96 section until they reach twenty-five years of age.

97 12. Pursuant to section 23.253 of the Missouri sunset act:

98 (1) The provisions of the new program authorized under this section shall
99 [sunset automatically six years after August 28, 2008] **be reauthorized as of**
100 **the effective date of this act and shall expire on August 28, 2020**, unless
101 reauthorized by an act of the general assembly; and

102 (2) If such program is reauthorized, the program authorized under this
103 section shall sunset automatically twelve years after the effective date of the
104 reauthorization of this section; and

105 (3) This section shall terminate on September first of the calendar year
106 immediately following the calendar year in which the program authorized under
107 this section is sunset.

Section B. Because of the importance of providing educational assistance
2 to members of the military and their families, this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and this act shall be in full force and effect upon its passage and approval.

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